

CITY-COUNTY GENERAL ORDINANCE NO. 225, 1972

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 72-AO-5

UNDERGROUND UTILITY LINE REGULATIONS

OF MARION COUNTY, INDIANA

ZONING ORDINANCE 72-AO-5

METROPOLITAN DEVELOPMENT COMMISSION

1972

Effective date December 18, 1972.

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DOCKET NO. 72-A0-5

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA*

Section 1. That Marion County Council Ordinance No. 8-1957 adopted by the Marion County Council on March 28, 1957, and all zoning ordinances adopted as parts thereof or amendments thereto, pursuant to Chapter 283 of the Indiana Acts of 1955, as amended, and Chapter 173 of the Indiana Acts of 1969, be amended by the addition of the following provisions:

A. UNDERGROUND UTILITY LINE REGULATIONS

1. All utility lines (as hereinafter defined) installed after January 1, 1973 within any Dwelling Zoning District or C-1 or C-2 Commercial Zoning District shall be located underground.

Provided, however, nothing contained in this ordinance shall prohibit:

- a. The temporary above-ground location of utility lines during construction or emergency conditions.
- b. Renewal, reinstallation, relocation, replacement, repair or maintenance of existing above-ground utility lines; or installation of above-ground utility lines in locations predominantly served by existing above-ground utility lines.
- c. Above-ground utility lines where underground location would not be feasible due to soil conditions, physical obstructions or terrain.
- d. The at or above-grade location of transformers, service or meter pedestals and similar accessory installations, including any above-ground utility lines necessarily or customarily extending above-grade in an underground utility line system.

- e. The installation or completion of above-ground utility lines to serve any structure for which an improvement location permit has been issued prior to January 1, 1973.

Further provided, however, the property owner shall provide adequate access for such underground installation, at no cost to the Utility.

Further provided, however, such underground installation shall not be required in the case of any land area for which a determination of EXCEPTION has been obtained pursuant to section 1, B of this ordinance.

B. EXCEPTIONS

1. The administrator of the Division of Planning and Zoning of the Department of Metropolitan Development shall make a determination of EXCEPTION to the above UNDERGROUND UTILITY LINE REGULATIONS as applied to any specific land area, upon sufficient evidence that the underground location of utility lines therein would be undesirable, infeasible, unnecessary or inappropriate because of the size, design, number of units or character of the proposed development, its relationship to existing or planned adjacent uses, or other relevant planning considerations of land use, location, site design, physical or environmental conditions, aesthetics, economics or technology.
2. Such determination of EXCEPTION shall be made upon petition by the owner(s) of fifty per cent (50%) or more of the subject land area and/or by the Utility. The Administrator shall furnish notice of his determination or denial of EXCEPTION to the petitioner(s) and the Utility.

The Administrator's determination or denial of EXCEPTION shall be subject to the filing of an appeal within ten (10) days from the date thereof, by any aggrieved person, to the Metropolitan Development Commission. Upon appeal, the Commission shall consider the petition for EXCEPTION de novo.

No public or individual notice of such petition for EXCEPTION or appeal to the Commission shall be required.

C. REQUIREMENT FOR IMPROVEMENT LOCATION PERMIT ISSUANCE

1. After January 1, 1973, as a prerequisite to the issuance of an improvement location permit for any structure to be served by utility lines required by this ordinance to be located underground, the applicant shall provide a copy of an agreement with the Utility (or other evidence satisfactory to the Administrator) that all utility lines required by this ordinance to be located underground will be installed in compliance with the requirements of this ordinance.

D. DEFINITIONS

For purposes of this ordinance, the following definitions shall be applied:

1. DWELLING ZONING DISTRICT - any D-S, D-1, D-2, D-3, D-4, D-5, D-6, D-6II, D-7, D-8, D-9, D-10, D-11, D-12 or D-P Zoning District of Marion County, Indiana.
2. UTILITY - the respective natural or artificial entity authorized by the appropriate governmental agency to render electric, telephone or cablevision utility service in Marion County, Indiana.
3. UTILITY LINES - electrical, telephone and cablevision distribution and service wires and cables accessory to primary uses within any Dwelling Zoning District or C-1 or C-2 Commercial Zoning District of Marion County, Indiana -- excluding, without limitation, all transmission lines, main feeder distribution lines and other similar non-accessory lines, the function of which is not to serve exclusively the primary residential or commercial use of the site as an accessory thereto.

Section 2. That an emergency exists for the passage of this ordinance and the same shall be in full force and effect from and after its passage.

Date December 18, 1972

CITY-COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA

Attest: Jean A. Wyttenbach
(Clerk)

Thomas C. Hasbrook
President (or Presiding Officer)

Legal Draft -- 11/14/72